

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

September 27, 2012

8:30 A.M. ROLL CALL

Invocation by Pastor Bryan Hitch from Fresno First Baptist

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "GUARDIANS OF THE RIBBON, PINK HEALS TOUR DAY" – Councilmember Xiong

Proclamation of "ME-N-ED'S FRESNO CROSS CITY RACE" - presented by St. Agnes Men's Club Day" – Councilmember Baines

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of September 20, 2012

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - Of intention to annex Final Tract Map No. 5447 and Final Tract Map No. 5815, Annexation No. 47, to City of Fresno Community Facilities District No. 11 and setting the hearing for November 8, 2012 at 10:00 a.m. (*Property located in District 4*) (north side of Shields from Locan to Temperance) – Public Works Department
Action Taken:
- B. Approve the appointment of Zwi Reznik to the Fresno Regional Workforce Investment Board, Labor Representative – Council President Olivier
Action Taken:
- C. Approve amendment to agreement with Liberty Composting, Inc., a California Corporation, to modify the amount of security required by adjusting the amount of the performance bond based on the prior year's total of biosolids removed – Department of Public Utilities
Action Taken:
- D. Approve the acquisition of a fire hydrant easement from a portion of one parcel (APN 512-030-74) of property owned by Alexander Madrid and Lisa Sanchez Madrid on W. Acacia, just west of N. Bryan Avenue as required for Tract 5352 – Public Works Department
Action Taken:
- E. Approve the acquisition of a fire hydrant easement from a portion of one parcel (APN 512-030-72) of property owned by Judy Mae Bagdanoff on W. Acacia, just west of N. Bryan Avenue as required for Tract 5352 – Public Works Department
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- F. Actions pertaining to California Commission on Peace Officer Standards and Training (POST) – Police Department
1. Accept the agreement from the California Commission on Peace Officer Standards and Training (POST) and authorize the Chief of Police to enter into and execute the agreement
 2. * **Action Taken:**
RESOLUTION – 12th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$146,100 for the Management Fellowship Program **(Requires 5 affirmative votes)**
Action Taken:
- G. Accept the Economic Development Administration Financial Assistance Program award of \$95,000 for a feasibility study that will assist in the establishment and maximum utilization of sustainable food processing district and authorize the City Manager, or his/her designee, to execute program documents – Development and Resource Management Department
- Action Taken:**
1. **RESOLUTION** – Authorize execution of documents for receipt of a financial assistance Program award from the Economic Development Administration and authorize the City manager or his designee to complete all required documents
Action Taken:
- H. **RESOLUTION** - Authorizing submittal of a grant application and acceptance of up to \$50,000 in Habitat Conservation Funds From the State of California Department of Parks and Recreation - PARCS
Action Taken:
- I. * **RESOLUTION** - 13th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 to re-budget \$116,900 in Council department operating and capital infrastructure funds based on the adjusted carryover balances from fiscal year 2012 **(Requires 5 affirmative votes)** – Finance Department/Budget and Mgmt. Studies Division
Action Taken:

CONTESTED CONSENT CALENDAR

GENERAL ADMINISTRATION

- A. Actions pertaining to a local High-Speed Rail Business Support Services Program - Public Works Department
1. * Approve a Memorandum of Understanding (MOU) with the California High-Speed Rail Authority (CHSRA) to provide funding in the amount of \$4,599,600 for a local High-Speed Rail Business Support Services Program
Action Taken:
 2. * **RESOLUTION** – 15th amendment to the Annual Appropriations Resolution (AAR) No. 2012-125 appropriating \$4,599,600 in California High-Speed Rail Authority funds for the local High-Speed Rail Business Support Services Program **(Requires 5 affirmative votes)**
Action Taken:
 3. * **RESOLUTION** – 1st amendment to Position Authorization Resolution (PAR) No. 2012-126 establishing the number of positions authorized in the various departments and offices of the City for fiscal year 2013
Action Taken:
 4. Authorize the City Manager or his designee to negotiate and enter into an agreement with the Economic Development Corporation serving Fresno County (EDC) for a local High-Speed Rail Business Support Services Program, not to exceed \$1.2 million
Action Taken:

GENERAL ADMINISTRATION CONTINUED

- B.** Actions pertaining to the Supplemental Law Enforcement Services Fund (SLESF) Program and front-line law enforcement operations – Police Department
1. Approve the proposed spending plan for the fiscal year 2012-2013 State of California Supplemental Law Enforcement Services Fund (SLESF)
Action Taken:
 2. * **RESOLUTION** – 11th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$615,200 for front-line law enforcement operations into the fiscal year 2013 budget ***(Requires 5 affirmative votes)***
Action Taken:
- C.** Authorize the Chief of Police to enter into and execute a three-year agreement with Fresno Unified School District (FUSD) to provide nine (9) School Resource Officers and one (1) Sergeant. FUSD will offset 100% of two (2) officers, 75% of seven (7) officers, 90% of the Sergeant salaries, benefits and administrative fees, and 33% of the operation and maintenance costs of ten (10) patrol vehicles, FUSD costs for fiscal year 2013 is \$990,384.00. The costs for fiscal year 2014 and fiscal year 2015 will be the then current rate for the Sergeant and Officer salaries, benefits and administrative fees, and 33% of the operation and maintenance costs of ten (10) patrol vehicles – Police Department
Action Taken:

CITY COUNCIL

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M.** **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 46 (Final Tract Map No. 5597) ***(Property located in District 2) (Northeast corner of N. Garfield and W. Barstow Avenues)***
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax for Annexation No. 46
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2012-2013 and future tax years with and relating to Community Facilities District No. 11, Annexation No. 46 (Final Tract Map No. 5597)
Action Taken:
- 10:15 A.M.** **HEARING** to consider adoption of resolutions related to the designation of the C. Jarman Home located at 385 N. San Pablo Avenue, the J.R. Turner Residence located at 815 E. Dudley Avenue, the Pilibos Building located at 830 Van Ness Avenue and the Newman J. Levinson Home located at 1636 Broadway - ***(Properties located in District 3)*** - Development and Resource Management Department
Action Taken:
- a. * **RESOLUTION**- Designating the C. Jarman Home located at 385 N. San Pablo Avenue, to the Local Register of Historic Resources
Action Taken:
 - b. * **RESOLUTION**- Designating the J.R. Turner Residence located at 815 E. Dudley Avenue, to the Local Register of Historic Resources
Action Taken:
 - c. * **RESOLUTION**- Designating the Pilibos Building located at 830 Van Ness Avenue, to the Local Register of Historic Resources
Action Taken:
 - d. * **RESOLUTION**- Designating the Newman J. Levinson Home located at 1636 Broadway, to the Local Register of Historic Resources
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Raul Garcia v. Robert Bradley Fry, City of Fresno, Fresno County Superior Court Case No. 11CECG01407 DSB

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Pinedale County Water District v. City of Fresno
(Record of the statement contemplated by Government Code Section 54956.9(b)(3)(E) is available for public inspection with other public agenda material at the City Clerk's Office)
2. Water Rights (Fresno Irrigation District v. City of Fresno)

Action Taken:

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APN 327-03-024t

Negotiating Parties: City Manager Mark Scott and Assistant City Manager, Bruce Rudd

Under Negotiation: Potential lease agreement with Liberty Animal Control Services, LLC. and County of Fresno for operation of animal control facility on subject property

Action Taken:

1:30 P.M.

[Update on Animal Control Services – City Manager's Office](#)

Action Taken:

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. [Appearance by Daniel M. Robinson to discuss the conditions of the property located at 834 W. Clinton Avenue \(*Property located in District 1*\)](#)

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	3	(WEDS)	2:00 P.M.	Presentation of Employee Service Awards <i>(to be held in the Council Chambers)</i> <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	4 –		8:30 A.M.	MEETING
Oct.	11 –	NO MEETING – COLUMBUS DAY		
Oct.	18 -		1:00 P.M.	HEARING to consider the formation of Underground Utility District No. FRE-92 along the north side of Nees Avenue from less than one-quarter mile west of Willow Avenue to Willow Avenue <i>(Property located in Council District 6)</i>
Oct.	18 -		1:15 P.M.	HEARING to consider renaming the Copper and Friant Park-and-Ride/Trailhead to the “Jon Alsdorf Park-and-Ride/Trailhead”
Oct.	25–		8:30 A.M.	MEETING
Nov.	1–		8:30 A.M.	MEETING
Nov.	8 -		10:00 A.M.	HEARING to annex Final Tract Map No. 5447 and Final Tract Map No. 5815, Annexation No. 47, to City of Fresno Community Facilities District No. 11